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FEB 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Santiago A. Olavarria	:	
Application No. 10/047,274	:	DECISION ON RENEWED PETITION
Patent No. 6/740,348	:	PURSUANT TO 37 C.F.R.
Filed: October 23, 2001	:	§ 1.378(E) AND PETITION
Issue Date: May 25, 2004	:	PURSUANT TO 37 C.F.R.
Title: PRESS-FORMED GRAIN	:	§ 1.378(C)
SNACKS AND PROCESS THEREFOR	:	

This is a decision on the petition filed on September 23, 2008, pursuant to 37 C.F.R. § 1.378(e). This is also a decision on the petition filed on December 24, 2008, pursuant to 37 C.F.R. § 1.378(c).

The petition pursuant to 37 C.F.R. § 1.378(c) is GRANTED.
In light of this, the renewed petition pursuant to 37 C.F.R. § 1.378(e) is DISMISSED AS MOOT.

The concurrently submitted Change of Correspondence Address has been entered and made of record. Petitioner will note that the Fee Address has not been changed. Petitioner will not receive future correspondence related to maintenance fees unless a Fee Address Indication Form (PTO/SB/47) is submitted for this patent. For Petitioner's convenience, a blank Fee Address

Indication Form (PTO/SB/47) may be found at
<http://www.uspto.gov/web/forms/sb0047.pdf>.¹

Background and Procedural History

The patent issued on May 25, 2004. The grace period for paying the 3½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on May 25, 2008, with no payment received. Accordingly, the patent expired on May 25, 2008.

An original petition pursuant to 37 C.F.R. § 1.378(b) was filed on June 6, 2008 by the Assignee of record. Petitioner submitted a portion of the 3½-year maintenance fee, the surcharge associated with a petition to accept late payment of a maintenance fee as unavoidable, and a statement of facts.

The original petition pursuant to 37 C.F.R. § 1.378(b) was dismissed via the mailing of a decision on September 4, 2008, which indicated that Petitioner included the surcharge that is associated with the filing of the petition, along with a portion of the maintenance fee (\$450 was included when \$465 was due).

A renewed petition pursuant to 37 C.F.R. § 1.378(e) was filed on September 23, 2008, along with, *inter alia*, the remainder of the maintenance fee. A Request for More Information was mailed on December 15, 2008.

Analysis of the Petition Pursuant to 37 C.F.R. § 1.378(c)

A grantable petition pursuant to 37 C.F.R. § 1.378(c) must be accompanied by:

- (1) The maintenance fee as set forth in 37 C.F.R. §§ 1.362(e) and 1.20;
- (2) The surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee, as set forth in 37 C.F.R. § 1.20;
- (3) A statement that the delay was unintentional from a proper party in interest, and;
- (4) The petition must be filed within 24 months of the

¹ In order to effectuate a change in the fee address, a customer number may be required. If Petitioner needs to obtain a customer number, one may be obtained by the submission of PTO form PTO/SB/125A, which may be located at <http://www.uspto.gov/web/forms/sb0125.pdf>.

date of expiration.

Petitioner has submitted the surcharge associated with a petition to accept late payment of a maintenance fee as unintentional, the 3½-year maintenance fee, and a statement that the delay in payment of the maintenance fee was unintentional. This petition was timely filed within twenty-four months after the expiration of the six-month grace period.

Petitioner has met each of the requirements of Rule 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

The surcharge that is associated with the filing of the petition pursuant to 37 C.F.R. § 1.378(b) will be refunded to Petitioner via the mailing of a Treasury Check in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.² Inquiries pertaining to the submission of maintenance fees should be directed to the Maintenance Fee branch at 571-272-6500.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.